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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/592,958	09/15/2006	Minoru Ueda	740675-72	7423
22204 7590 01/24/2008 NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128				
EXAMINER				
KIM, JOHN K				
ART UNIT		PAPER NUMBER		
4125				
MAIL DATE		DELIVERY MODE		
01/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/592,958

Applicant(s)

UEDA ET AL.

Examiner

JOHN K. KIM

Art Unit

4125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 9/15/2006, 10/2/2007
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda et al (US 2004/0075351).

As for claim 1, Ueda teaches (in Figs. 23 and 25-27) a multifunction-type vibration actuator [0001], wherein a housing (1) accommodates a magnetic circuit part (2), a suspension (5) for elastically supporting said magnetic circuit part (2) in said housing (1), a diaphragm (4) facing said magnetic circuit part, and a voice coil (3) provided to said diaphragm (4) and inserted into a magnetic gap (G in Fig. 24) of said magnetic circuit part (2), an input of a signal with a vibration frequency to said voice coil(3) allows vibration [see 0015] of said suspension(5) securing said magnetic circuit part (2) to be transmitted outward through said housing(1), and a plurality of secured positions (53's in Fig. 25) for said magnetic circuit part (2) and said suspension (5) are prepared so as to be close to each other, and a distance between said securing planned position (2) and a central vibration position of said suspension (5) and said housing (1) is changed (see sloped 22h) by selecting a securing planned position (2) suitable for a characteristic of said suspension (5) to be mounted and suitable also for a weight of said

magnetic circuit part (2) from said secured positions (53's in Fig. 25) and securing using said securing planned position.

As for claim 2, Ueda clearly shows and discloses the claimed invention as applied to claim 1 above. Ueda further teaches (in Fig. 25) secured positions(53's) are through-holes. The recitation regarding the holes for laser welding opened in a suspension, and laser welding is performed by changing laser radiation positions toward said through-holes is considered to be intended usage and does not further structurally limit the apparatus claim.

As for claim 3, Ueda clearly shows and discloses the claimed invention as applied to claim 1 above. Ueda further teaches (in Fig. 1, and also see [0015]) a call-out signal initiates vibration of said diaphragm (4) and one or both mechanical vibration systems including a magnetic circuit part (2) and a suspension (5) in order to transmit vibration of said mechanical vibration systems throughout a device through a housing and reset of said call-out signal stops vibration of said diaphragm (4) and said mechanical vibration systems.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Kim whose telephone number is (571) 270-5072. The examiner can normally be reached on M-F 8-5.

Art Unit: 4125

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Garber can be reached on 703-585-9637. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JK

/Charles D. Garber/
Supervisory Patent Examiner, Art Unit 4125